

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS

No. 07-412V
Filed: May 6, 2010

JOSEPH E. BASEL, *
*
 Petitioner, * Attorneys' fees and costs
*
V. *
*
SECRETARY OF THE DEPARTMENT *
OF HEALTH AND HUMAN SERVICES, *
*
 Respondent. *

ATTORNEY'S FEES AND COSTS DECISION¹

GOLKIEWICZ, Special Master.

On May 3, 2010, petitioner in the above-captioned case filed a Motion for Attorneys' Fees and Costs. P Motion, filed May 3, 2010. Petitioner requested \$33,209.25 in attorneys' fees and \$5,902.98 in litigation costs; totaling \$39,112.23. In accordance with General Order #9, petitioner filed a statement regarding the costs he personally incurred. Exhibit 8, Petitioner's Statement Regarding Fees and Costs, filed May 3, 2010. On May 6, 2010, petitioner filed a Motion to Amend petitioner's Motion for Attorneys' Fees and Costs. Therein, petitioner requested \$29,500.00 for fees, \$250.00 in costs to petitioner personally, \$1,726.94 in costs to firm, and unpaid costs in the amount of \$3,926.04; totaling \$35,402.98. In this Motion, petitioner stated respondent does not object to these amounts.

The court hereby awards the petitioner \$35,402.98 in attorneys' fees and litigation costs. **Specifically, petitioner is awarded a lump sum of \$250.00 in the form of a check payable to petitioner individually; petitioner is also awarded a lump sum of \$35,152.98 in the form of a check payable jointly to petitioner and petitioner's attorney.** The court thanks the parties for

¹The undersigned intends to post this decision on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002). As provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction "of any information furnished by that party (1) that is a trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b). Otherwise, the entire decision will be available to the public. Id.

their cooperative efforts in resolving this matter.

The Clerk of the Court is directed to enter judgment accordingly.²

IT IS SO ORDERED.

s/ Gary J. Golkiewicz
Gary J. Golkiewicz
Special Master

²Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.

Furthermore, this amount is intended to cover all legal expenses. This award encompasses all charges by the attorney against a client, “advanced costs” as well as fees for legal services rendered. Furthermore, 42 U.S.C.A. §300aa-15(e)(3) prevents an attorney from charging or collecting fees (including costs) which would be in addition to the amount awarded herein. See generally, Beck v. Secretary of HHS, 924 F.2d 1029 (Fed. Cir. 1991).